



Northern Ireland  
Assembly

Committee for Agriculture, Environment and  
Rural Affairs

# OFFICIAL REPORT (Hansard)

Briefing by Loughs Agency

17 November 2016

# NORTHERN IRELAND ASSEMBLY

## Committee for Agriculture, Environment and Rural Affairs

Briefing by Loughs Agency

17 November 2016

**Members present for all or part of the proceedings:**

Ms Linda Dillon (Chairperson)  
Ms Caoimhe Archibald (Deputy Chairperson)  
Mr Sydney Anderson  
Mr David Ford  
Mr William Irwin  
Mr Patsy McGlone  
Mr Harold McKee  
Mr Oliver McMullan  
Mr Edwin Poots  
Mr Robin Swann

**Witnesses:**

Mr Barry Fox	Loughs Agency
Mr John McCartney	Loughs Agency
Mr John Pollock	Loughs Agency

**The Chairperson (Ms Dillon):** I welcome John Pollock, chief executive officer of the Loughs Agency; John McCartney, director of conservation and protection; and Barry Fox, director of agriculture and shellfish fisheries. I ask you to keep your presentation to roughly 10 minutes to allow members to ask some questions. Thank you for coming this morning.

**Mr John Pollock (Loughs Agency):** Good morning, madam Chair and Committee members. As you said, I am accompanied by John McCartney and Barry Fox. You have been provided with papers, so I will just give you a short overview.

To begin with, we claim to be the original cross-border body, established in 1952 under the name of the Foyle Fisheries Commission. This followed a legal challenge in the 1940s, with the Foyle Fisheries Acts being simultaneously enacted in the House of Commons and Dáil Éireann. At that time, it was recognised that salmon poachers and pollution do not recognise borders, and the 1952 legislation provided powers to enforce the fisheries management and habitat protection through prosecution of offenders in the Foyle area on a cross-border basis. Even today, we believe this to be unique. We are the only body with the power to pursue prosecutions in both jurisdictions on the basis of the domicile of the offender, irrespective of the jurisdiction in which the offence occurred. It is worth noting that at the time of the reading of the Act, it was reported that the Attorney General said:

*"I think we are making history. I think we are making good history because this is a great experiment in co-operation."*

The experiment has stood the test of time and has been in place for over 60 years.

To bring us more up to date, the Loughs Agency was established in 1999 by the North/South Co-operation (Implementation Bodies) Order and the British-Irish Agreement Act. We were given additional functions: the promotion of the development of Lough Foyle and Carlingford lough for commercial and recreational purposes in respect of marine fishery and aquaculture matters; management, conservation, protection, improvement and development of the inland fisheries of the Foyle and Carlingford areas; the development and licensing of aquaculture; and the development of marine tourism. We are co-sponsored by DAERA in the North and the Department of Communications, Climate Action and Environment (DCCAE) in the South, and we are funded on a 50:50 basis.

We have a 12-person board appointed by the North/South Ministerial Council. The term of the current board is due to expire this December. We also have an advisory forum. This is a local consultative body made up of 48 members representing stakeholder interest groups in the Foyle and Carlingford catchments. They include aquaculture, shellfish fisheries, commercial fishing, anglers, fishery owners, tourism etc.

At this stage, I draw the attention of the Committee to the map contained in your papers. Our jurisdiction in the Foyle area is wider than you might have been aware. The Foyle area covers over 5,000 kilometres of river and not only includes Lough Foyle but spans Malin Head, Mussenden Temple at Downhill, Barnesmore Gap and Glenshane Pass nearly to Ballygawley roundabout. It also has a jurisdictional area of 12 miles out to sea. The rivers include the Roe, Faughan, Mourne, Strule, Finn, Culdaff, Dearg etc. The Carlingford area is smaller, with approximately 500 kilometres of river and spans from Loughbrickland to Poyntzpass and in a direct line across from Cranfield Point to the Ballaghan Point in County Louth. Again, areas include the Whitewater river, Newry river and canal, the Clanrye and the Camlough and Loughbrickland lakes.

As I stated, one of our statutory functions is marine tourism and promotion in the Lough Foyle and Carlingford areas. We believe that we have a unique product to offer both in angling and water sports. We have a track record of securing funding. For example, we are the lead partner in several key infrastructure projects. We have secured in excess of €4 million INTERREG funding for the development of the Malin Head viewing platform and walk, the Benone beach visitor facility known as The Ark, the Foyle marina in Derry city centre and pontoons at Greencastle, County Donegal.

Marketing recreational angling remains a key area locally and internationally. Some of it is promoted on an all-island basis with our partners in DAERA and Inland Fisheries Ireland, under the Angling Ireland brand. The agency regularly supports local and international angling events, including the World Police and Fire Games, the Police Sport UK National Sea Angling Championships, home nations match angling in Newry Canal and the World Youth Fly Fishing Championship. We are currently preparing for the 2018 Commonwealth Fly Fishing Championships.

In the area of marketing the loughs, we have been involved in a range of promotional events, such as the Clipper Round the World Yacht Race, Foyle Seafood and Maritime festivals, the Omeath to Carlingford Greenway, the Carlingford Oyster Festival and, more recently, the centenary event commemorating the disaster in Carlingford lough, which included the illumination of the lighthouse at the mouth of Carlingford lough. All of those bring significant economic benefits to the local rural communities. You will see from your papers that we use a wide range of social media to promote and market the areas. We have several Facebook pages and Loughs Agency TV on YouTube, and I have included the links, which you may find useful.

In the area of conservation and protection of the inland fisheries, trout, sea trout and salmon remain our main focus, in particular the Atlantic salmon, which has been in steep decline over the last 30 to 40 years. We monitor the stocks on a real-time basis and have several audit points throughout the catchments that provide data that give an indication of the health of the system and the stocks.

In the area of enforcement, dealing with illegal fishing is still a problem, as is pollution. We have scheduled a meeting with the Ulster Farmers' Union and have had a very successful meeting with DAERA's countryside management team, with a view to a joined-up approach to developing a media information campaign throughout the farming community to target high-risk areas. We also work closely with our colleagues in the Northern Ireland Environment Agency (NIEA) and DAERA's inland

fisheries group. To complement our Loughs Agency's 24-hour response line, we recently launched our new, free app, known as WaterWatch. It will enable the public to report illegal fishing and water pollution in the Loughs Agency and Inland Fisheries Ireland areas.

In the area of aquaculture, the Committee may be aware that our survey vessel, the MMV Ostrea, sank in December 2015. The agency has agreed an insurance settlement, and we have submitted an options paper to both sponsor Departments with a view to obtaining all the necessary approvals to replace the vessel. Unregulated aquaculture in Lough Foyle continues to be an issue, with unregulated oysters trestles now numbering in excess of 25,000 to 30,000.

In 2007, the agency was given the powers to be the licensing authority in Foyle and Carlingford loughs. However, the roll-out of that has been delayed by the discussions on the jurisdictional issue between the UK Foreign and Commonwealth Office (FCO) and the Irish Department of Foreign Affairs and Trade. We are advised that this is a reserved matter and that discussions are ongoing. The native oyster season in Lough Foyle is well under way, with approximately 60 licence holders operating. For conservation reasons, the season has been restricted to the 4 October to the 15 December on a three-day week basis, and, to date, the agency is pleased to report an increase on the catch from previous seasons.

Finally, with regard to the implications of the UK referendum — Brexit — the Loughs Agency, as you are aware, has been operating on a successful North/South basis since 1952. Therefore, the UK's withdrawal from the EU is unlikely to see a fundamental change to the core work of the agency. As we will have part of our catchments in the EU and the rest not, it is unclear how the various EU directives will apply to the Foyle and Carlingford areas, and we await instruction on that. There is still an information vacuum on whether the agency will be able to apply for EU funding, and with regard to the currency differentials, no significant impacts are envisaged as we already operate a dual currency system. The agency's approach is very much business as usual, and we will continue to monitor the situation.

I am happy to take any questions, Chair.

**The Chairperson (Ms Dillon):** Thank you very much, John. The first thing that I want to pick up on is the number of severe pollution incidents that have happened this year. It is noted in the papers that there were 16 in 2014. Do you know how many have been of that category this year so far?

**Mr Pollock:** I will ask John to answer that.

**Mr John McCartney (Loughs Agency):** Sorry, Chair, I am just trying to find the right statistics. I do not have the right statistics with me, but I believe that this year, so far, there have been 14 high-severity incidents, which have been investigated by my staff with a view to prosecution. The difficulty we face in relation to pollution is linked more to changes in the way that the climate affects the rivers. Our rivers are going from very high flood levels to low, almost dry-weather levels very quickly, which means that pollution discharges that would have had a medium effect previously are, because of the low water conditions, having a more substantial and long-term environmental consequence. It is a mixture of managing farm practice and changes in the environment, and that will be a significant challenge for the agency going forward.

**The Chairperson (Ms Dillon):** You said there would be work done on a media campaign. In fairness to farmers, a lot of them have an interest in the environment around them. A lot of them value their rivers and would not want to cause pollution. It is really just about making them aware of best practice in order not to cause incidents. I know that the most recent incident came from a farm.

**Mr Pollock:** That is right. The majority of them are accidental. I do not think that anybody is saying that anybody does anything deliberately but —

**The Chairperson (Ms Dillon):** But it is about prevention.

**Mr Pollock:** Yes.

**The Chairperson (Ms Dillon):** At the end of the day, they are accidents that are man-made. It is human error, and I suppose it is about helping farmers to ensure that human error does not happen.

There is an opportunity for the Department now, because we are all working together, to get the environmental and agricultural stuff right.

My main concern is that there will be a knock-on impact, without a doubt, on tourism potential because of those incidents. There is big tourism potential, and people realise that to a greater degree in the Twenty-six Counties than they do here.

**Mr Pollock:** A significant fish kill can wipe out a river or a stretch of river for several years before it can recover, so you have that loss over a three- or four-year period at least or for future generations even.

**Mr McMullan:** You are very welcome to the Committee, gentlemen. There are ongoing discussions — I am not going to say "arguments" — between the Government in the South and the powers that be in England about jurisdiction over the head of the lough. I would look at that as being the most important thing for the lough because there are such things to come of this. We could end up wiping out the natural oyster beds with disease. It has a knock-on effect on tourism — everything. Where are we with that? Are we any further forward than last year?

**Mr Barry Fox (Loughs Agency):** The Department of Foreign Affairs and Trade and the Foreign and Commonwealth Office are having discussions relating to what they call the management agreement for Lough Foyle. The operational side are the agencies that deal with the day-to-day issues around aquaculture and shellfish fisheries, North and South. We are engaging with them on any operational difficulties that may arise if and when the management agreement is put in place.

As regards regulating aquaculture, the agency has the legislation available and ready to go once that agreement is in place. Unfortunately, the agency will have no control over the progress of the discussions between the FCO and the Department of Foreign Affairs.

**Mr McMullan:** Just to get this right, have we everything sitting in place to regulate aquaculture on Lough Foyle?

**Mr Fox:** Yes.

**Mr McMullan:** But we need the agreement from both Governments.

**Mr Fox:** Yes.

**Mr McMullan:** I have been hearing stories of thousands of unregulated oyster beds. What is the figure?

**Mr Fox:** There are in the region of 30,000 trestles in Lough Foyle, and that has gone up from about 2,500 in 2010-11.

**Mr Pollock:** It is getting to the point where they are causing a navigation hazard, as well as the tourism issue.

**Mr McMullan:** From that point of view, there is a danger to life as well.

**Mr Pollock:** If they were regulated properly, they would have proper markers and so on. There would be a series of conditions that they would have to have to allow them to proceed with farming, but currently, it is just a free-for-all.

**Mr McMullan:** A motion has been put down for debate, if it is selected. After this meeting, the Committee may want to explore other avenues on what we could do to speed up the process.

**The Chairperson (Ms Dillon):** I agree with you, Oliver. Whilst it is a reserved matter, there is no reason why our Minister should not push it. That is a responsibility, regardless of whether the matter is devolved.

**Mr McMullan:** It may be something for the North/South body or even for ministerial level here. We can discuss that later.

**The Chairperson (Ms Dillon):** I suggest that we write to the Minister on that one.

**Mr McMullan:** I suggest that we bring to the attention of the First Minister and deputy First Minister what is going on here and the implications. We hear now that there is a danger to life because of the problems it causes for navigation, so it is important that we do that now.

Finally, how are we getting on with the boat? Are we getting a new boat?

**Mr Fox:** We have submitted an options paper to both sponsor Departments. We have the money from the insurance settlement resting in an agency account. We have a justifiable business case to have a replacement vessel. We just require the approvals from both Departments to generate an economic appraisal, which will, hopefully, start the ball rolling.

**Mr McMullan:** Which Departments are you waiting for?

**Mr Fox:** We submitted an options paper just over a week ago to DAERA and to the Department of Communications, Climate Action and Environment in the South. We have asked for approvals by the end of this month to go to economic appraisal, and we expect that we will have that, hopefully, by the end of the month.

**Mr McMullan:** Do we see that replacement being a priority for the ongoing work in the lough?

**Mr Fox:** Yes, absolutely.

**Mr McMullan:** Again, maybe we could ask for that to be speeded up. They need that boat on the lough and do not have it.

**The Chairperson (Ms Dillon):** No problem.

**Mr Swann:** John, I have met you previously on the issue of illegal fishing. Are we still getting results on the removal of illegal salmon nets, or are we still having to go out?

**Mr J McCartney:** This has been a very strange year for illegal fishing and poaching. In previous years, because fish are funnelled, we tended to get very high levels of very intense fish poaching in very small areas, the areas that the fish were funnelled into. This year, we have had poaching right across the system. While we have seized fewer nets, we have had to deploy more staff. Because of the changes in water levels, which I explained to the Chairman in relation to pollution, higher water levels mean that the areas into which fish were previously funnelled have become less suitable for netting because of the water flow. Therefore, there is a spread of illegal netting across the whole Foyle area, which, when you take it from Malin Head to Mussenden and to Lough Finn and as far as Ballygawley, is an enormous area to cover. We are dealing with almost an innovation in poaching, but we are doing our best. We have had a lot of success. We have had a series of custodial sentences, albeit suspended, for illegal use of boats and vehicles for people netting, and I think that is a big deterrent coming from the courts and a very positive message. It is a continuous job and a 24-hour, round-the-clock job that, this year, has been spread over a much wider area.

**Mr Swann:** Do you have any statistics on nets lifted, John?

**Mr J McCartney:** I think that we have had 48 nets so far this year. Some of those are very long nets. For example, a short net the length of these two tables would probably cover parts of the River Finn, but, when we are getting nets in the River Foyle, they are maybe up to half a kilometre long. Maybe half a kilometre is an exaggeration, but they are very long. Much more substantial pieces of equipment are deployed because they have to cover a much bigger area to get a result.

**Mr Swann:** Just to come back on that, one of the ways in which we were able to get the legal nets removed at one stage was through EU legislation and the potential for infraction proceedings. John, you mentioned that you did not see many threats coming. I take it that there is no threat of challenge to allow legal salmon netting to start again.

**Mr Pollock:** The River Finn was one of the rivers where there was potential for infraction. It will be an EU river flowing into a non-EU area. There could still be infraction proceedings from a Southern point of view, if stocks in the River Finn go down further. However, I do not see the netting coming back.

**Mr J McCartney:** One of the issues that seem to cause confusion is that people are under the illusion that, on Brexit, all the existing regulations would be rescinded. As it stands, management of salmon netting or the management of no salmon netting, as it is at the moment, is enshrined in regulations that we have brought before the Committee. They are part of domestic legislation in Northern Ireland. Unless they are brought before the Committee and rescinded, those regulations will stand. Therefore, I do not see a change in the status quo, unless there is a change in the way that the regulations are managed.

**Mr Swann:** I have had queries from interested parties, John, so I am glad to get that reassurance. Thank you, gentlemen.

**Mr Ford:** Thank you, gentlemen, for coming in. Can I take you back, slightly, to Oliver's point? At the beginning, you referred to being the original cross-border body, clearly one that has had significant successes with some difficulties against illegal activity for 60-plus years. How far do the issues about reserved matters relating to the seabed go? That seems to be something that has come up in recent years. Was it not of particular concern back in the 1950s and 1960s?

**Mr Pollock:** We were not licensing aquaculture or shellfish fisheries, so it was not a part of our function in those times. It is only since the Loughs Agency was created in 1999 that we were given those additional functions. The seabed was not an issue prior to that. Only over the last 16 years has it become one.

**Mr Ford:** Despite the fact that the UK Government were party to the Good Friday Agreement, it is that Government who are creating difficulties in enforcing the powers that it has agreed.

**Mr Pollock:** Both sides are negotiating about it. I would not like to accuse the UK Government of being the problem.

**Mr Ford:** Given that the North/South arrangements have been working well in other respects, it is unfortunate that, almost 20 years on, that additional power has not been resolved.

**Mr Pollock:** Yes.

**Mr Ford:** I want to ask about the illegal activities and the difficulties that some of your bailiffs have had at times, particularly around the lower end of the Foyle river. Are there major difficulties and major successes, given what you have told us about the number of nets at the moment? How many staff have you on inland fishery protection activity, as opposed to dealing with things like sea nets?

**Mr Pollock:** We have around 25 staff, broken down into geographical areas for ease of operations. There is violence from poachers. It is organised crime, not somebody just taking a fish to feed the family. They make money out of it. They poach every day of the week, including Christmas Day, so it is significant in particular areas. There are hotspots, and we target those areas with whatever resources we have. We work closely with the PSNI and the Garda Síochána; we have a close working relationship with both. We are part of the Partnership for Action Against Wildlife Crime as well.

**Mr Ford:** Are you satisfied with the powers that you have? Is it to merely the numbers of staff that you have for enforcement that concern you, or is there an issue around powers that would be beneficial?

**Mr Pollock:** We would like on-the-spot fines. That would help. That is part of the review of the Foyle fisheries and is in the fisheries Bill that is likely to come in the next two years. That would save us from having to use resources to take people to court. However, that might be more for an angling offence, which is also illegal fishing but may be not quite as serious as somebody putting a net across the river. It is down to the judiciary to decide the penalty. It is out of our control. We just take the people to court and let the judiciary decide.

**Mr J McCartney:** We are engaged at the moment, with both of our sponsor Departments, on the initial stages of an exercise on the review of the Foyle Fisheries Act 1952, as amended in 2007. There are a small number of issues where we feel that the regulations need to be improved. Some of those are lessons learned from taking cases through court, and some are recommendations from appeal court judges and from district judges about the way the legislation is worded or framed.

You asked about the powers. The powers in the Foyle Fisheries Act 1952 are, in places, unusually worded because the Act predates the Police and Criminal Evidence Order 1989 and predates human rights legislation etc. There is a question about some of the wording in the legislation and how we ensure that it is at current best practice standards.

In relation to cooperation, we have had exceptional support from the PSNI and an Garda Síochána, so much so that there are times when we are reliant on them. In particular, the operational PSNI in Strabane and the operational Garda officers in Lifford have taken this on board and are working closely with us on a lot of issues, including poaching issues. We are very grateful for that help.

**Ms Archibald:** Thanks for your presentation. I suppose that there is quite a lot of potential for tourism development in the work of the agency. Could you comment on the types of work that you are involved in? I know that, for example, you were involved in keeping the Lough Foyle ferry, which is into my constituency, and the security of that route into the future. How long do you think that will be there for? I know that it is a three-year contract.

**Mr Pollock:** Although the ferry was not directly our responsibility, we facilitated discussions between the Donegal council and the Causeway Coast and Glens Borough Council. We see it as a key link between the Causeway coastal route and the Wild Atlantic Way. Both sides benefit from the movement of tourists and from the ferry being that link. We see the Foyle and Carlingford areas as having good tourism potential from, as I said, an angling point of view but also in water sports. They are very underdeveloped, and there is still potential for a lot of sailing and general water sports. The definition of marine tourism can be whatever you want really. If water is involved, you could call it that, even if it is just walking on a beach or whatever. The key infrastructure projects that I mentioned, like the Malin Head viewing platform, which is in our jurisdiction, and The Ark at Benone beach, all add to the portfolio of places to use. In other jurisdictions, things like 'Game of Thrones' and so on have been very encouraging for tourism, but 'Star Wars', if you like, came to Malin Head. We would like to tap into that potential.

**Ms Archibald:** What kind of budgets or funding do you have in place for projects? Is the EU funding an aspect of that?

**Mr Pollock:** In the past, the EU funded tourism projects, but, going forward, I do not think that there will be any. It is really about working in partnership. We have a very small budget, and it is likely to get even smaller in the coming years. It is about working up projects with councils and seeing whether there is any other funding that we can avail ourselves of, should it be the National Lottery or other type of funding, and maybe not relying on the EU. There does not seem to be a tourism pot of money in the next round of EU funding.

**The Chairperson (Ms Dillon):** Whilst there may not be specific tourism money, is money available that could still be used on tourism-focused projects?

**Mr Pollock:** We do not have a budget for tourism; well, it is very small. You are talking about only £100,000 or £200,000 of our own grant aid, so, obviously, it is somebody else's money that we would be looking to tap into. We work closely with other tourism bodies, such as Tourism NI, Fáilte Ireland or Tourism Ireland, but our resources are very limited. We could do with more, to be perfectly honest. We could do more if we had more. I think that there is the potential to put a lot of investment into tourism in the Foyle and Carlingford areas. We are here to deliver, but we need the funding.

**The Chairperson (Ms Dillon):** There would be a good link-up there. The work that has been done on the Newry canal has had a massive impact on the town, as it was when I was growing up, but city, now.

**Mr Pollock:** I mentioned one of the international events. Over 300 bed nights were brought into the area for a competition. It is seen as one of the prime fishing locations for coarse fishing in the whole of Ireland. There is the potential there for regular international events, which means more bed nights.

People who do that type of fishing come to practise as well as participate in the event, so you have more spend in the local community on bait and so on. There is a lot of economic benefit to an area through one event.

**The Chairperson (Ms Dillon):** I grew up in that area. It certainly was not something that you would have been proud of when I was growing up.

**Mr Pollock:** They are linking up the remainder of the Omeath to Carlingford greenway, which we were involved in, to Newry through the canal as well, and that should open up that whole area to tourism.

**Mr McKee:** Four of my questions have been answered, so I will try this one. *[Laughter.]* There are things that the Warrenpoint Harbour Authority must do. Rather than have to ship spoil 14 miles out to sea, there is a plan to deposit it in the Carlingford lough area. Do you engage with Warrenpoint on that?

**Mr J McCartney:** There is an application before us that is being considered. The last comment we made on that was that we felt there was a requirement for an environmental impact assessment to do a proper detailed analysis. We have no fundamental objection to any industrial or maritime innovation, but we have to ensure that those species that we are legislating for, and are required to protect, are taken into account during the process. Apologies for not being able to give you a more direct answer, but the thing is in process somewhere, and we are still waiting for information to complete the assessments.

**Mr McKee:** Will the mussel beds be protected more so than anything?

**Mr Fox:** That will be another primary concern. The industry in Carlingford will have concerns with silt being relayed into the sea lough. That will be taken into account when they consider the licence. This was an issue previously that did not get through the hoops, so they are looking at it from a different angle this time.

**Mr Anderson:** Thank you for your presentation. Some of my points have been touched on as well. John, your paper mentions efficiency savings and such like and the fact that you work with an annual budget, and things, but do staffing enforcement officers restrict in any way your ability to carry out enforcement?

**Mr Pollock:** Over the last few years, we have had efficiency savings imposed on us. We have managed to survive until this year by not employing temporary staff over the summer, which has impacted on our ability to do survey work and so on and additional enforcement duties over the busy period. We did that, if you like, to protect full-time staff. We are down to a core number of staff now, and if we take any more cuts that will impact on front-line services. Not only do staff work nine to five, but a lot of the poaching activities and so on are at weekends and nights — a poacher does not come out on a Monday at 10.00 am. An element of this is that we have to pay staff allowances on top of their salaries to compensate them for that type of work. That all comes at a cost to us. If we have a reducing budget, we will have less money to pay them, and, possibly, we will not be able to cover the areas that we continue to cover.

**Mr Anderson:** Are you saying that, with less budget and more efficiencies, there will be less chance of catching those who break the law?

**Mr Pollock:** We try to use other methods — technology and so on — to fill the gap, but the point is that we cannot send men out alone; two or three have to go together. An element of this is that we have a finite resource, and you just cannot let it go down below a certain level; otherwise you will be ineffective.

**Mr Anderson:** Did I pick up correctly that there are 25 staff?

**Mr Pollock:** There are 25 across the two jurisdictions.

**Mr Anderson:** How many staff would you like to have?

**Mr Pollock:** You would like a couple for every river, to be perfectly honest. We work closely with the angling clubs, and we have, I think, up to 200 private river watchers who volunteer, and that is very useful. They are warranted through the courts and get training courses from us. We could not work without them; they are our eyes and ears along the local rivers throughout the catchments.

**Mr Anderson:** About a third of gardaí prosecution cases take more than five months. I am picking up here that two thirds are resolved within a five-month period. Is there a reason for that? Is the one third the difficult cases?

**Mr J McCartney:** The court system is outside the control of the agency. We have a statutory requirement to have all our summonses served within six months of the detection of the offence. Once we put them into the court service system, either in Ireland or in Northern Ireland, we are at the mercy of the choreography of the courts. I do not think that there is any particular reason why those cases have taken longer. A small number of cases required interpreters, a small number has been contested, and, normally, if a case is contested, it takes one or two hearings. There is normally an initial hearing at which the alleged person indicates that it will be contested, and then there is a review date before a contest. Some contests have fallen foul of other court scheduling and difficulties both in Ireland and in Northern Ireland. They are just part of the process.

**Mr Anderson:** Does that affect the budget in any way? What does it cost? Sorry, Chair, but I am trying to tease something out here.

**Mr J McCartney:** It affects the cost because every time we appear in court, I have to take people away from their work. I have a finite number of officers. If they have to be, for want of a better term, suited and booted for court, I cannot put them on nights the night before or probably that night because of the time that it takes. So, the more adjournments there are in the court system, the more valuable time I lose with my enforcement officers. The system is the system, and we are not in a position to change it, except to highlight the time that it takes. In Northern Ireland's courts in particular there is an impetus at the moment to ensure that cases are dealt with as expediently as possible, without infringing on the right to a fair hearing. There is a significant try by the Northern Ireland Courts and Tribunals Service to ensure that cases are dealt with appropriately and expediently without interfering with people's rights.

**Mr Anderson:** Do you agree that it is an issue that affects budgets? We have heard from John that he would like more enforcement officers, but this is taking money away from what you are trying to do.

**Mr Pollock:** The more times you go to court, the more legal costs you have. It is an unknown, until the case is over, how much it will cost.

**Mr Anderson:** There is an issue with that, but a third of cases over five months is certainly a big percentage.

**Mr Pollock:** We have some cases dating back to 2011 that are still not finalised.

**Mr Anderson:** Are they still costing money?

**Mr J McCartney:** They are in the Court of Appeal and have gone through the lower court and are now in the higher court, but they exist and are still in process.

**Mr Irwin:** There have been 16 high-, 26 medium-, and 74 low-pollution incidents, and the general perception is that farmers and agriculture — I am a pig farmer — are to blame for most of them. Is it right that, recently, wider industry has been the cause of some of the very serious ones?

**Mr J McCartney:** The breakdown is that, numerically, agriculture tends to be the highest. There certainly are a significant number of pollution incidents and serious pollution incidents both from industry and from the water and sewage services sector in Northern Ireland and in Ireland.

**Mr Irwin:** Are they all included in this?

**Mr J McCartney:** They are all included in those statistics. They are not all agriculture, yet there is certainly a percentage, possibly a higher percentage —

**Mr Irwin:** Is it right that some of the most serious ones in Northern Ireland are not from agriculture?

**Mr J McCartney:** Some of the fish kills that have occurred in Northern Ireland outside our jurisdiction have been caused not by agriculture but by other elements. I will not labour that point, as it is outside my jurisdiction.

**Mr Irwin:** The perception is that agriculture is to blame for most of it, but that is not always the case.

**Mr J McCartney:** That is certainly a fair point.

**Mr Swann:** I want to come back to tackling poaching. Is there a better working relationship with your DAERA fishery colleagues now that you are in one Department?

**Mr J McCartney:** In relation to DAERA inland fisheries and tackling illegal fishing, there are jurisdictional issues for available warrants. Certainly, there is intelligence and technology sharing, but actual physical exchanges of people have not happened. It is something that we will explore now that the change in structure from the Fisheries Conservancy Board (FCB) to DCAL inland fisheries and now DAERA has happened.

**Mr Swann:** Is that being discussed at a higher level, or is it something that you hope happens?

**Mr Pollock:** There is an all-island national fisheries liaison group that includes DAERA fisheries and Inland Fisheries Ireland, and, obviously, we are trying to harmonise all our fisheries thinking, including training, working more closely together, and having the same scientific thinking on fishery management, so joined up thinking has started.

**Mr Swann:** I want to put this into perspective: a poacher can reach a certain point on a river as he changes from DAERA jurisdiction to Loughs Agency jurisdiction and you cannot follow him.

**Mr J McCartney:** Where that has happened — it has happened on a small number of occasions — we have used the conduit of the PSNI. PSNI officers are warranted fisheries officers by virtue of their appointment. If I get a difficulty from, perhaps, Dungiven going to Magherafelt or from Limavady going into Coleraine, we use our working relationship with the PSNI to say, "We've taken this so far. Can you finish it off for us?". That has worked reasonably well.

**Mr Pollock:** Some of the public angling estate that DAERA inland fisheries has overall responsibility for is in our jurisdiction, such as Moor Lough, Lough Ash, and Binevenagh Lake. We, if you like, bailiff on behalf of them, so we look after their waters in our jurisdiction.

**Mr Swann:** Have you progressed the licensing of voluntary bailiffs from fishing clubs? Where is that at?

**Mr J McCartney:** There are provisions in the Foyle Fisheries Act 1952 for us to appoint private river watchers for each club. We have a wide network of private river watchers in various fishing clubs. I have taken the initiative of reviewing and training them and carrying out patrols with them in the Foyle and Carlingford areas. We have found that this is particularly successful because the legislative powers of a private river watcher do not allow for certain provisions, whereas the legislative powers of an authorised officer do. Private river watchers can often be limited by their regulatory authority, whereas that limitation does not exist with fisheries officers. I can send out one fisheries officer with two private river watchers, and that provides the person who has the proper regulatory authority. The difficulty is that training, equipment and everything else cost money, and it takes time and resource to put people together, train them and liaise with them. We do our best, but there is only a certain amount of resource available to do that.

**The Chairperson (Ms Dillon):** I commend that initiative. I am sure that it was not easy to put in place. I accept that it takes resource to train, but you are getting value for your money. Those people care about the rivers and have a vested interest in keeping them right. The numbers show that they are keen to do it, so, without a doubt, it is a good initiative and to be commended.

Patsy?

**Mr McGlone:** I am grand, Chair. My question has been answered, thank you.

**Mr McMullan:** Just quickly, there are a couple of things that I forgot to ask.

**The Chairperson (Ms Dillon):** Not too many. *[Laughter.]*

**Mr McMullan:** You say that your budgets are poor but you raise your own revenue through other means: is that on top of your budget?

**Mr Pollock:** No. It is taken off. We have to estimate our income, and that is taken off our grant-in-aid before we get it. We are running at a loss.

**Mr McMullan:** Are you telling me that the Department takes whatever you raise in revenue off your budget?

**Mr Pollock:** Yes, before we get it.

**Mr McMullan:** Surely there is no incentive.

**Mr Pollock:** That is the problem. Just yesterday, we were discussing with the departmental board if they would review how our income is treated. You are right: there is no incentive to, say, double our licence sales because it just reduces the grant-in-aid that we get. The treatment of income is an issue. We do not make a profit. Whatever we make on licence sales has already cost us that amount of money to produce and to enforce, as John says, the licence conditions. It is just an administrative cost, but it is taken off in advance of getting our budget.

**Mr McMullan:** Do we know offhand what sort of money we are talking about?

**Mr Pollock:** It is a small amount in the grand scheme of things, but £100,000 is taken off our grant-in-aid straight away every year. If our sales go up, that would be reviewed and, obviously, even more would be taken off. However, it is in and around £100,000. We sell about 10,000 licences a year.

**Mr McMullan:** Chair, that is something that we need to look at. There is no incentive there at all.

**Mr Pollock:** Even if we could keep that £100,000 and reinvest it as a conservation measure to use towards fisheries' protection rather than general running costs, we would be happy to ring-fence it and reinvest it in the rivers.

**Mr McMullan:** My last question will be very quick. What are your fears after Brexit?

**Mr Pollock:** As I said earlier, because we were created under the Foyle Fisheries Acts before the EU was created, it will be business as usual for us, other than the uncertainty about whether we can apply for European funding. Some of the letters of offer are now being issued with a possible break clause after two years. What happens to a project after the two years? We are not quite sure whether there is a risk in accepting a letter of offer. As I said, we already work in dual currency; that is not an issue for us. There is the uncertainty too of having one part of your jurisdiction in Europe and the other part out of it. We do not know what the impact will be, to be honest. We are just keeping a close eye on things.

**Mr McMullan:** As a matter of interest, what happens to the revenue that you raise in the South?

**Mr Pollock:** It is the same.

**Mr McMullan:** It is taken off you.

**Mr Pollock:** Yes.

**Mr McMullan:** So you depend on the Department here.

**Mr Pollock:** No, we are funded 50:50. Our income is split in two.

**Mr McMullan:** The Southern Government take your revenue off you in the South.

**Mr Pollock:** Yes. Our revenue is taken off us North and South.

**The Chairperson (Ms Dillon):** A number of issues have come up. As you said, in the grand scheme of things, it is a small amount of money, but it would make a big difference to your agency. We should look into that. We can raise it when we meet our counterparts in the Oireachtas to hear their view.

**Mr Swann:** At this stage, could we raise it with the Minister directly?

**The Chairperson (Ms Dillon):** That is what I am saying — with the Minister in the South.

**Mr Swann:** And our Minister.

**The Chairperson (Ms Dillon):** Yes, we have already said that it should be raised with the Minister, but we should also raise it in the South to see what the view is there.

**Mr Pollock:** We have not been given any guidance yet on what our budget is likely to be for next year or for the next corporate planning period, so it is difficult to plan ahead. Now we are told that we might hear in the next few weeks, but we do not know whether there will be further cuts. If there are, that will put terrible pressure on the agency. We are very small, and a small cut is a big cut to us, if that makes sense. We have a lot of inescapable costs, such as staff and increases in staff wages, that ultimately reduce the pot of money that we have to carry out our functions. There is a bit of uncertainty on the budgets.

**The Chairperson (Ms Dillon):** A couple of things. Sydney and Harold have both indicated, but the questions and responses will have to be very brief. I think that we should ask the Minister in the written correspondence on the budgetary stuff when you are likely to know what your budget is and, if there is to be any reduction, what that will be.

**Mr Pollock:** The guidance comes from the Department of Finance rather than our sponsor Department. Normally, we get the guidance quite a bit earlier in the year, because our financial year ends at the end of December. We are unclear what we will have for next year.

**Mr Anderson:** As a matter of interest, what is the procedure when you seize a boat or a vehicle? How long do you keep it? Do you hand it back in a week or what?

**Mr McCartney:** Normally, there is a public interest test on a vehicle. For example, we have seized DLA vehicles that were being used inappropriately on at least one occasion. The last vehicle seized was from a gentleman who was over 60. We return those vehicles on a court appearance bond; in other words, a bond is placed on the vehicle that is repayable once the person appears at court with the vehicle. It allows the agency to seek a forfeiture order on the vehicle. We can seek that order. However, given that we operate principally in Magistrates' Courts and in District Courts in Ireland, there is almost a financial threshold above which proceedings are shifted to a higher court for jury trial. We try to keep most of our cases in the lower courts for the sake of expediency, speed of process etc.

Ninety-five per cent of the boats that we seize are handmade from pieces of scrap timber; they are the favourite boat on the Foyle. We seek a destruction order in the courts, and we destroy them when they are seized as part of the enforcement process.

**Mr Anderson:** More of a danger than a boat?

**Mr McCartney:** A large number are very dangerous, although I have seized one or two late at night on the River Foyle in difficult conditions that seemed to be more stable than our patrol boats. *[Laughter.]*

**Mr Anderson:** Not valuable. OK.

**Mr Pollock:** We once seized a wardrobe being used as a boat. *[Laughter.]*

**Mr Anderson:** We are getting some interesting facts today.

**Mr McKee:** Is there any monetary gain for you from ferry companies using your waterways?

**Mr Pollock:** No, ferries are not within our jurisdiction; they are councils' responsibility. I do not think that they pay for the use of the ferry; it is an arrangement that they have with councils.

**The Chairperson (Ms Dillon):** Thank you very much for the presentation and for your very informative answers. I appreciate your coming along.